

REMARKS

This paper is being filed to supplement the previously filed response. In that response, the undersigned had neglected to identify affirmatively the claims that read on the elected species. Additionally, an error was inadvertently introduced into claim 15 that has been herein corrected. Claims 1-21 were pending. Claims 18-21 were withdrawn pursuant to restriction.

In the Office Action, the Examiner required a further election of a single species from each of the following generic categories (a)-(d):

- (a) selectable marker (antibiotic resistance or otherwise) as recited in claim 5;
- (b) enzyme capable of converting a prodrug to its active drug form;
- (c) prodrug (e.g., CB1954, SN 23862, 2-[N,N-bis(2-iodethyl)amino]-3,5-dinitrobenzamide, 5-fluorocytosine, acyclovir, gancyclovir, 6-methyl-9-(2-deoxy- β -D-erythro-pentofuranosyl) purine) in claim 7;
- (d) single enzyme from which variants are derived, recited in claim 9.

Pursuant thereto, Applicants elect the following corresponding species from each of the categories (a)-(d):

- (a) kanamycin resistance
- (b) nitroreductase (more specifically nfnB)
- (c) CB1954
- (d) nitroreductase (more specifically nfnB)

All elected claims, claims 1-17, read on the elected species.

DOCKET NO. HARR0018-100

PATENT

Application Serial No. 09/889,761

Supplemental Response to Restriction Requirement Dated December 28, 2004

Reply To Office Action Of October 19, 2004

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all claims are allowable and requests early notification of the same. If the Office disagrees, the Examiner is requested to call the undersigned at 215-665-5593 to discuss.

Respectfully submitted,



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Date: December 28, 2004

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